



Professor N A Warner  
40 High House Drive  
Rednal  
Birmingham B45 8ET GB  
UNITED KINGDOM

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**FEB 09 2007**

**OFFICE OF PETITIONS**

In re Application of Warner	:	
Application No. 10/521,307	:	Decision on Petition
Filing Date: January 13, 2005	:	
For: Continuous Steelmaking Plant	:	

This is a decision on the petition filed December 26, 2006, under 37 CFR 1.181 to withdraw the holding of abandonment of the above-identified application.

The petition is **dismissed**.

The above-identified application became abandoned for failure to reply in a timely manner to the Office action under Ex parte Quayle, 1935 Dec. Comm'r Pat. 11 (1935), mailed April 24, 2006, which set a shortened statutory period for reply of two (2) months. An extension of time under the provisions of 37 CFR 1.136(a) was not obtained. Accordingly, the above-identified application became abandoned on June 25, 2006.

Petitioner contends a timely reply was filed May 9, 2006. Petitioner has supplied a copy of a mail label and an unofficial handwritten notation indicating the package was delivered before 8:01 on May 9, 2006. The Office went to the Royal Mail's website and, using its "Track and Trace" service, verified the package was delivered before 8:01 on May 9, 2006.

Apparently petitioner emailed copies of the May 9, 2006 papers to the examiner on November 27, 2006. However, a copy of the papers was not placed in the file. Petitioner should submit a new copy of the papers.

A review of Office records indicates petitioner has filed several applications and has several patents. The copy of the papers allegedly filed May 9, 2006, should include evidence to establish the package could not have contained papers or fees directed to any other application or patent. Petitioner should note petitioner bears the burden of proof regarding the exact identity of the papers filed May 9, 2006.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are NOT permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181."

Further correspondence with respect to this matter should be addressed as follows:

By mail:        Mail Stop Petition  
                  Commissioner for Patents  
                  P.O. Box 1450  
                  Alexandria, VA 22313-1450

By facsimile: (571) 273-8300  
                  Attn: Office of Petitions

By hand:        U.S. Patent and Trademark Office  
                  Customer Service Window  
                  Randolph Building  
                  401 Dulany Street  
                  Alexandria, VA 22314

Telephone inquiries regarding this communication should be directed to Petitions Attorney  
Steven Brantley at (571) 272-3203.



Charles Steven Brantley  
Senior Petitions Attorney  
Office of Petitions